

Application No. : 10/660,945
Filed : September 12, 2003

REMARKS

Claims 1 – 5, 14 – 17, 26 – 36, 41 – 44 and 46 – 52 were pending in the application. By this paper, Applicant has canceled Claims 1 – 5, 14 – 17, 26 – 36, 41 – 44 and 52 without prejudice, and added new Claims 53 – 71. Accordingly, Claims 46 – 51 and 53 – 71 are presented for examination herein.

Allowable Subject Matter

Pursuant to Page 15 of the Office Action, Claims 46 – 51 each stand allowed.

§112 Rejections

Per page 3 of the Office Action, Claims 1 – 5 and 14 – 17 each stand rejected under U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. By this paper, Applicant has cancelled Claims 1 – 5 and 14 – 17 without prejudice, thereby rendering the Examiner's rejection of these claims moot.

§102 Rejections

Per page 4 of the Office Action, Claims 1 – 5, 11 – 16, 26 – 27, 29 – 30 and 41 – 44 each stand rejected under 35 U.S.C. § 102 as being anticipated by Humpleman et al. (U.S. Patent No. 6,182,094, hereinafter "Humpleman"). By this paper, Applicant has cancelled Claims 1 – 5, 11 – 16, 26 – 27, 29 – 30 and 41 – 44 without prejudice, thereby rendering the Examiner's rejection of these claims moot.

§103 Rejections

1. Per page 11 of the Office Action, Claims 17, 28 and 47 each stand rejected under 35 U.S.C. § 103 as being unpatentable over Humpleman. By this paper, Applicant has cancelled Claims 17, 28 and 47 without prejudice, thereby rendering the Examiner's rejection of these claims moot.

2. Per page 12 of the Office Action, Claims 13 – 36 and 52 each stand rejected under 35 U.S.C. § 103 as being unpatentable over Humpleman in view of Humpleman et al. (U.S.

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Patent No. 6,546,419, hereinafter "Humpleman 2"). By this paper, Applicant has cancelled Claims 13 – 36 and 52 without prejudice, thereby rendering the Examiner's rejection of these claims moot.

5 3. Per page 15 of the Office Action, Claim 36 stands rejected under 35 U.S.C. § 103 as being unpatentable over Humpleman in view of Looney et al. (U.S. Patent No. 6,232,539, hereinafter "Looney"). By this paper, Applicant has cancelled Claim 36 without prejudice, thereby rendering the Examiner's rejection of this claim moot.

10 *New Claims*

By this paper, Applicant has added new Claims 53 – 71 which depend either directly or indirectly from allowed Claims 46, 48 and 50. Applicant wishes to thank the Examiner for the teleconference of January 23, 2009, in which the Examiner indicated that the addition of new dependent claims could be added to the allowed subject matter without necessitating the filing of
15 a request-for continued examination (RCE), so long as the newly added claims raised no new substantive examination issues.

Applicant submits that no new substantive examination issues have been raised by virtue of these new claims, and that new matter has been added thereby. Specifically, support for these newly added claims is as follows:

20 **Claim 53** – Support for newly added Claim 53 can be found at, *inter alia*, paragraph [0028] of Applicant's specification as filed.

25 **Claim 54** – Support for newly added Claim 54 can be found at, *inter alia*, paragraphs [0054] – [0056] of Applicant's specification as filed.

30 **Claim 55** – Support for newly added Claim 55 can be found at, *inter alia*, paragraph [0033] of Applicant's specification as filed, as well as Claim 1 of Applicant's specification as originally filed.

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Claim 56 – Support for newly added Claim 56 can be found at, *inter alia*, paragraph [0033] of Applicant's specification as filed, as well as Claim 2 of Applicant's specification as originally filed.

5 **Claim 57** – Support for newly added Claim 57 can be found at, *inter alia*, originally filed Claim 3 of Applicant's specification as filed.

Claim 58 – Support for newly added Claim 58 can be found at, *inter alia*, paragraph [0057] of Applicant's specification as filed, as well as Claim 4 of Applicant's specification as
10 originally filed.

Claim 59 – Support for newly added Claim 59 can be found at, *inter alia*, paragraph [0054] of Applicant's specification as filed, as well as Claim 5 of Applicant's specification as
15 originally filed.

Claim 60 – Support for newly added Claim 60 can be found at, *inter alia*, paragraph [0031] of Applicant's specification as filed. See also previously filed Claim 14.

Claim 61 – Support for newly added Claim 61 can be found at, *inter alia*, paragraph
20 [0031] of Applicant's specification as filed. See also previously filed Claim 15.

Claim 62 – Support for newly added Claim 62 can be found at, *inter alia*, paragraph [0031] of Applicant's specification as filed. See also previously filed Claim 16.

25 **Claim 63** – Support for newly added Claim 63 can be found at, *inter alia*, paragraph [0036] of Applicant's specification as filed. See also previously filed Claim 26.

Claims 64 and 65 – Support for newly added Claims 64 and 65 can be found at, *inter alia*, paragraph [0052] of Applicant's specification as filed. See also previously filed Claim 26.
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Claim 66 – Support for newly added Claim 66 can be found at, *inter alia*, paragraph [0066] of Applicant's specification as filed. See also previously filed Claim 26.

Claim 67 – Support for newly added Claim 67 can be found at, *inter alia*, paragraph [0058] of Applicant's specification as filed, as well as originally filed Claim 11. See also previously filed Claim 29.

Claim 68 – Support for newly added Claim 68 can be found at, *inter alia*, paragraphs [0008] and [0054] – [0058] of Applicant's specification as filed. See also previously filed Claim 30.

Claim 69 – Support for newly added Claim 69 can be found at, *inter alia*, paragraphs [0008] and [0054] – [0058] of Applicant's specification as filed. See also previously filed Claim 42.

Claim 70 – Support for newly added Claim 70 can be found at, *inter alia*, paragraphs [0008] and [0054] – [0058] of Applicant's specification as filed. See also previously filed Claim 31.

Claim 71 – Support for newly added Claim 71 can be found at, *inter alia*, paragraphs [0008] and [0054] – [0058] of Applicant's specification as filed. See also previously filed Claim 36.

Other Remarks

Applicant hereby specifically reserves the right to prosecute claims of different scope in another continuation or divisional application.

Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

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If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

GAZDZINSKI & ASSOCIATES, PC

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